

## **REMARKS**

Claims 1-4, 6, 7, 10, 12, 13, 37-40, 42, 43, 46, and 48-50 are pending.

Claims 1-4, 6, 7, 10, 12, 13, 37-40, 42, 43, 46, and 48-50 stand rejected.

Claim 1 has been amended.

### **Claim Rejections - 35 U.S.C. § 101**

Claims 1-4, 6, 7, 10, 12, and 13 stand rejected under 35 U.S.C. § 101, as non-statutory.

Claim 1 has been amended to recite “performing using a computer system.” Thus, claims 1-4, 6, 7, 10, 12, and 13 are tied to a particular machine, namely the “computer system”.

Accordingly, Applicants respectfully request withdrawal of the rejection.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-4, 6, 7, 10, 12, 13, 37-40, 42, 43, 46, and 48-50 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,636,852 to Gozdek et al. (“*Gozdek*”) in view of U.S. Patent No. 6,782,369 to Carrott (“*Carrott*”). Applicants respectfully traverse the rejection.

Claims 1, 37, and 50 require “obtain[ing] repayment rules for any advances received by said distributor” and “divid[ing] said compensation into one or more distribution amounts for payment into one or more accounts of said distributor based on one or more payment rules and said repayment rules, said one or more accounts comprising repayment accounts for said any advances and other payment accounts designated by said distributor.”

Applicants respectfully submit that *Gozdek* in view of *Carrott* neither teaches nor suggests anything regarding “repayment rules” or “repayment accounts”. The Examiner cites *Gozdek*, col. 2, line 61-col. 3, line 5, col. 3, lines 6-33, Figure 4, Figure 5, and col. 8, lines 36+. Column 2, line 61-col. 3, line 5 states:

A computer-implemented method for providing an indication of a compensation for a sales agent within a corporate sales force, according to still another embodiment of the present invention, may include steps of retrieving past sales and future sales opportunities of an authenticated sales agent from a database; retrieving at least one compensation plan for the authenticated sales agent; applying the retrieved past sales and future sales opportunities to the retrieved compensation(s) plan to calculate a compensation of the

sales agent and providing an indication of the calculated compensation to the authenticated sales agent remotely over a computer network. (emphasis added).

Thus, *Gozdek* teaches that a sales agent can calculate an indication of the sales agent's compensation based on "past sales" and "future sales". As the title "Income Planner for Corporate Sales Agents" of *Gozdek* implies, by allowing a sales agent to calculate compensation based on past sales and future sales, *Gozdek* allows a sales agent to plan his or her income.

However, Applicants respectfully submit that allowing a sales agent to plan his or her income based on past and future sales does not teach anything about "repayment rules" or "repayment accounts" such as "obtain[ing] repayment rules for any advances received by said distributor" and "divid[ing] said compensation into one or more distribution amounts for payment into one or more accounts of said distributor based on one or more payment rules and said repayment rules, said one or more accounts comprising repayment accounts for said any advances and other payment accounts designated by said distributor." Claims 1, 37, and 50.

Regarding the remainder of the portions of *Gozdek* cited by the Examiner, *Gozdek* col. 3, lines 6-33 relevantly contain essentially the same teachings as col. 2, line 61-col. 3, line 5. Figure 4 and col. 8, lines 36+ relate to a computer architecture. Applicants could not locate Figure 5 in *Gozdek*. A review of *Carrott* located no references to repayment, repay, or debt.

Accordingly, Applicants respectfully submit that *Gozdek* in view of *Carrott* neither teaches nor suggests anything regarding "repayment rules" or "repayment accounts".

For at least the foregoing reasons, Applicants respectfully request withdrawal of the rejection of claims 1, 37, and 50 and claims directly or indirectly dependent thereon.

Additionally, on page 4 of the Office Action, the Examiner took Official Notice of "sales agreements." The MPEP § 2144.03 states in relevant part:

Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.

Applicants do not dispute the prior existence of sales agreements. However, the persons in the context of *Gozdek* are "sales agents within a corporate sales force." *Gozdek*, Abstract. Accordingly, since the sales agent's are employees of a corporation, it is not "capable of instant and unquestionable demonstration as being well-known" that the sales agents' commission in

*Gozdek* is actually based on a sales agreement. Accordingly, if the rejection is maintained, Applicants respectfully request that the Examiner provide documentary evidence in the next Office action that the compensation of the sales agents in *Gozdek* is based on a sales agreement or withdraw the Official Notice.

### **CONCLUSION**

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at 512-338-9100.

#### **CERTIFICATE OF TRANSMISSION**

I hereby certify that on December 22, 2010, this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

*/Kent B. Chambers/*

Respectfully submitted,

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